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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,300	11/25/2003	Rhea L. Steele	11814-8	8816

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EXAMINER

COLAN, GIOVANNA B

ART UNIT	PAPER NUMBER
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2162

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,300

Applicant(s)

STEELE ET AL.

Examiner

Giovanna Colan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant filed application on 11/25/2003.
2. Claims 6 – 20 are pending. Claims 1 – 5, and 21 – 24 were cancelled. No claims were added.
3. The information disclosure statement (IDS) submitted on 10/31/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
4. Applicant's election without traverse of Group II, including claims 6 – 20 in the reply filed on 10/26/2006 is acknowledged.

Claim Objections

5. Claim 12 – 13 are objected to because of the following informalities: There is not period at the end of the recited claims, instead, there is a “;”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 6 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6, 16, and 17, the phrase "or" renders the claim(s) indefinite because it includes alternate language.

Regarding claim 15, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 6 – 15, 17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Block et al. (Block hereinafter) (US Patent App. Pub. No. 2003/0055689 A1).

Regarding Claim 6, Block discloses a system for an automated tracking of a person at a remote site comprising:

a person tracking device for capturing data related to biological and location data of a person being tracked (Page 12 and 18, [0118] and [0197], lines 1 – 11 and 9 – 12; respectively, Block);

a Global Positioning System (GPS) database, in communication with the person tracking device, for certifying the location data of the person being tracked (Page 18, [0197], Block);

a personal enrollment center including a master database for storing biological and location data of the person being tracked, the master database in communication with the person tracking device (Page 12, [0118], lines 11 – 14, Block); and

a communication network for operably connecting the person tracking device, the master database, and the GPS database (Page 3, [0048], lines 4 – 9, Block);

wherein the tracking device compares the captured biometric data of the person being tracked with the stored biometric data of registered persons to validate the identity of the person being tracked (Page 21, [0231], lines 24 – 35, Block) or to record the captured biometric data of the person being tracked as a non-registered person (Page 4, [0065], lines 11 – 18 and 21 – 25, Block), and communicates the captured data and location data to the master database (Page 22, [0243], lines 16 – 18 and 41 – 45, Block).

Regarding Claim 7, Block discloses a system wherein the personal enrollment center further comprises:

an enrollment workstation for entering biometric and personal data, into the master database, of persons being registered (Page 12 and 18, [0118] and [0197], lines 1 – 11 and 9 – 12; respectively, Block); and

an Ethernet network for operably connecting the enrollment workstation (Page 12, [0114], Block) and the master database to the communication network via an ISP (Page 3, [0048], lines 4 – 9, Block).

Regarding Claim 8, Block discloses a system wherein the personal tracking device further comprises a biometric registration module for extracting the biometric data to be communicated to the master database via the communication network (Page 12 and 18, [0118] and [0197], lines 1 – 11 and 9 – 12; respectively, Block).

Regarding Claim 9, Block discloses a system wherein the personal tracking device further comprises a data recording module for assembling the biometric and tracking data to be communicated to the master database via the communication network (Page 12, [0118], lines 11 – 14, Block).

Regarding Claim 10, Block discloses a system wherein the biometric recording module further comprises a biometric reader application interface for matching and validating the biometric data against a local stored user list, the list being compiled as a subset from the master database (Page 21, [0230] and [0232], lines 24 – 35 and 1 – 8; respectively, Block), and wherein the biometric data is assembled in an Extensible

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Markup Language (XML) message to be communicated via the communication network to update the master database (Page 23 – 24, [0250] and [0254], lines 1 – 15 and 6 – 13; respectively, Block).

Regarding Claim 11, Block discloses a system wherein the data recording module further comprises a GPS application interface for activating the GPS reader to retrieve location data from GPS satellites, wherein the location data, and date and time are assembled in a message queue record and communicated via the communication network to the master database (Page 18, [0197], Block).

Regarding Claim 12, Block discloses a system wherein the personal enrollment center further comprises a personal set module, operating on the server, for entering initial personal data into the master database (Page 12, [0114] and [0115], lines 1 – 6, Block);

Regarding Claim 13, Block discloses a system wherein the personal enrollment center further comprises an update module, operating on the server, for automatically communicating records to be tracked on the personal tracking device (Page 12, [0114] and [0115], lines 1 – 6, Block);

Regarding Claim 14, Block discloses a system wherein the personal enrollment center further comprises a tracking module, operating on the server, for providing tracking data to a report or a web screen (Page 16, [0177], Block).

Regarding Claim 15, Block discloses a system wherein the master database operates on a server, the server being a Windows 2000 server, an MSMQ server; an Internet Information server; a FrontPage 2002 server, a Microsoft Share Point Portal server, or the like (Page 15, [0167], lines 6 – 13, Block).

Regarding Claim 17, Block discloses a method for an automated tracking of persons at remote sites, the method comprising:

establishing a wireless network by providing a person tracking device at a remote site (Page 12 and 18, [0118] and [0197], lines 1 – 11 and 9 – 12; respectively, Block), the person tracking device comprising a biometric reader (Page 21, [0231], lines 24 – 30, Block), a GPS receiver (Page 18, [0197], Block), a data recording module (Page 22, [0243], lines 16 – 18 and 41 – 45, Block), and a transceiver in wireless communication with the network (Page 18, [0194], lines 7 – 10, Block), and the network further comprising a GPS database (Page 18, [0197], Block) and a personal enrollment center including a master database (Page 12, [0118], lines 11 – 14, Block);

storing personal, picture and biometric data of registered persons in the master database (Page 12, [0119] and [0149] – [0155], lines 7 – 10, Block);

capturing biometric data of a person being tracked via the biometric reader (Page 21, [0231], lines 24 – 30, Block);

capturing location data of the person being tracked via the GPS receiver (Page 18, [0197], Block);

identifying the tracked person via a validation of the captured biometric data against pre-stored biometric data in the data recording module (Page 21, [0231], lines 24 – 35 , Block); and

communicating the captured biometric data and location data to update a tracking module associated with the master database (Page 21, [0231], lines 24 – 35 , Block) or to record the captured biometric data of the person being tracked as a non-registered person within a personnel setup module (Page 4, [0065], lines 11 – 18 and 21 – 25, Block).

Regarding Claim 20, Block discloses a method, wherein identifying of the tracked person further comprises:

utilizing name of the tracked person to select from pre-recorded list of registered persons (Page 21, [0230], lines 9 – 17, Block); and

performing visual confirmation using a stored picture of the selected registered person (Page 17, [0187], Block).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (Block hereinafter) (US Patent App. Pub. No. 2003/0055689 A1) in view of Anthony et al. (Anthony hereinafter) (US patent No. 6,559,769 B2, filed December 7, 2001).

Regarding Claim 16, Block discloses all the limitations as discussed above including wireless communication network that utilizes communication protocols. However, Block does not explicitly disclose that the wireless communication network utilizes communication protocols, the communication protocols being Time Division Multiple Access (TDMA), Cellular Digital Packet Data (CDPD), or Global Management

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System/General Packet Radio Service (GMS/GPRS). On the other hand, Anthony discloses: wireless communication network that utilizes communication protocols, the communication protocols being Time Division Multiple Access (TDMA), Cellular Digital Packet Data (CDPD), or Global Management System/General Packet Radio Service (GMS/GPRS) (Col. 11 and 12, lines 66 –67 and 1 – 6; respectively, Anthony). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Anthony's teachings to the system Block. Skilled artisan would have been motivated to do so, as suggested by Anthony (Col. 11 and 12, lines 66 –67 and 1 – 6; respectively, Anthony), to provide an "always on" condition; and to provide a pre-requisite functionality for staying connected to a wireless network. In addition, both of the references (Block and Anthony) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, and tracking. This close relation between both of the references highly suggests an expectation of success.

13. Claims 18 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. (Block hereinafter) (US Patent App. Pub. No. 2003/0055689 A1) in view of Novikov et al. (Novikov hereinafter) (US Patent No. 6,282,304 B1).

Regarding Claim 18, Block discloses a method, wherein storing personal and biometric data further comprises:

entering personal data using a web based form into the master database, the personal data being used to verify a relationship and status of each registered person (Page 4, [0065], lines 9 – 21, Block); and

registering scanned fingerprints of each registered person. However, Block does not explicitly disclose map points. On the other hand, Novikov discloses registering scanned fingerprints of each registered person using map points (Col. 10, lines 18 – 24, Novikov). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Novikov's teachings to the system Block. Skilled artisan would have been motivated to do so, as suggested by Novikov (Col. 1, lines 43 – 45 and 49 – 52; Novikov), to provide increased precision; and to provide accurate and rapid comparison of fingerprints while compensating for environmental and physiological factors. In addition, both of the references (Block and Novikov) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, and biometric information comparison. This close relation between both of the references highly suggests an expectation of success.

Regarding Claim 19, the combination of Block in view of Novikov discloses a method, wherein capturing biometric data further comprises:

scanning an appropriate finger of a tracked person on the biometric reader (Page 17, [0188], Block); and

creating fingerprint data map points (Col. 10, lines 18 – 24, Novikov).

Prior Art Made Of Record

1. Block et al. (Block hereinafter) (US Patent App. Pub. No. 2003/0055689 A1).
2. Anthony et al. (Anthony hereinafter) (US patent No. 6,559,769 B2, filed December 7, 2001).
3. Novikov et al. (Novikov hereinafter) (US Patent No. 6,282,304 B1).

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
May 4, 2007


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PRIMARY